

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 13, 2006

AMENDED IN SENATE MAY 16, 2006

AMENDED IN SENATE MAY 11, 2006

AMENDED IN SENATE MAY 3, 2006

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN SENATE MARCH 20, 2006

**SENATE BILL**

**No. 1180**

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**Introduced by Senator Migden**  
**(Principal coauthor: Senator Figueroa)**  
**(Coauthor: Senator Torlakson)**

(Coauthors: Assembly Members *Bermudez*, Chan, Koretz, and  
~~Saldana~~ *Liu, Saldana, and Torrico*)

January 17, 2006

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An act to add Section 11757 to the Health and Safety Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1180, as amended, Migden. Health and Human Services: alcohol use prevention: minors.

Existing law establishes the California Health and Human Services Agency, which includes the State Department of Alcohol and Drug Programs. The department provides, among other things, alcohol prevention and treatment programs, including programs related to the inappropriate use of alcoholic beverages.

This bill would require the Secretary of the California Health and Human Services Agency, on or before January 1, 2008, in consultation with the State Department of Alcohol and Drug Programs and various other entities, to issue a report to the Legislature identifying and summarizing the most recent research, data, and other relevant information regarding alcoholic beverage use by underage youth, as described. This bill would require the report to include recommendations for additional action to prevent alcoholic beverage use by underage youth, including legislative changes and suggestions for new or modified programs that would aid in the reduction of alcoholic beverage use by youth in California, as provided. This bill would restrict the total costs of the report to not more than \$140,000.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Problems associated with alcohol consumption by those  
4 under the minimum drinking age of 21 years constitute a public  
5 health and safety emergency in California and the nation. The  
6 prevention of underage alcohol consumption is therefore an  
7 urgent priority for the people of California.

8 (b) The earlier a young person begins to consume alcoholic  
9 beverages, the more likely it is that he or she will experience  
10 alcohol problems throughout his or her life. Research has shown  
11 that, compared with persons who wait until 21 years of age or  
12 older to begin drinking, those who start to drink before 15 years  
13 of age are at far greater risk of alcohol problems later in life,  
14 including alcohol-related motor vehicle crashes, assault, and  
15 other types of injuries. ~~Recent increases in alcohol consumption~~  
16 ~~and binge drinking among underage girls, including girls under~~  
17 ~~the age of 15 years, emphasize the need for new initiatives to~~  
18 ~~prevent youth alcohol problems.~~

19 (c) The sale, transfer, or furnishing of alcoholic beverages to  
20 minors and the public possession of alcohol by minors is illegal  
21 in California. Enforcement of laws designed to prevent access  
22 and consumption of alcoholic beverages by minors is ~~an urgent~~ a  
23 priority for the state.

1     ~~(d) California and its governmental subdivisions have initiated~~  
2     ~~numerous programs and public awareness campaigns to prevent~~  
3     ~~alcohol problems in minors and to alert citizens to the dangers~~  
4     ~~associated with underage drinking. These efforts, which are~~  
5     ~~augmented by programs conducted by nongovernmental~~  
6     ~~organizations and individuals, are not sufficiently addressing the~~  
7     ~~public health emergency associated with underage drinking.~~

8     ~~(e) Research has established that exposure to alcohol~~  
9     ~~advertising influences young people's beliefs and intentions~~  
10    ~~regarding alcoholic beverages and that increased exposure to~~  
11    ~~alcohol advertising results in increased underage alcohol~~  
12    ~~consumption.~~

13    ~~(f) Research has also established that some alcohol~~  
14    ~~advertisements have images, themes, slogans, and other content~~  
15    ~~that are highly attractive to young people and encourage them to~~  
16    ~~consume alcoholic beverages.~~

17    ~~(g) Alcoholic beverage products, that research shows are~~  
18    ~~highly attractive to young people, including girls under the age of~~  
19    ~~15 years, are advertised and sold in California. These products,~~  
20    ~~sometimes referred to as flavored alcoholic beverages or~~  
21    ~~"alcopops," have added flavorings and sweeteners. "Alcopops"~~  
22    ~~have a relatively low alcohol content that makes them similar in~~  
23    ~~taste to fruit drinks, sodas, and other nonalcoholic beverages~~  
24    ~~popular with young people. Advertising for these products~~  
25    ~~constitutes a threat to the health and safety of minors.~~

26    ~~(h) Current laws and voluntary restrictions on alcohol~~  
27    ~~advertising have failed to reduce exposure of alcohol advertising~~  
28    ~~to young people. Research shows that in many cases minors are~~  
29    ~~exposed to advertisements for particular alcohol products to a~~  
30    ~~much larger extent than adults, including young adults, when~~  
31    ~~measured on a per capita basis. This is true for many "alcopops,"~~  
32    ~~whose sweet taste and similarity to nonalcoholic beverages have~~  
33    ~~been found to be highly attractive to young people.~~

34    ~~(i) Because alcoholic beverages are a legal product for adults,~~  
35    ~~restrictions on youth exposure to alcohol advertising must~~  
36    ~~provide advertisers with clear guidance as to what is prohibited,~~  
37    ~~must not impose strict liability on advertisers, and must be~~  
38    ~~narrowly tailored to ensure the means to reach potential~~  
39    ~~customers of legal drinking age.~~

SEC. 2. Section 11757 is added to the Health and Safety Code, to read:

11757. (a) (1) On or before January 1, 2008, the secretary shall issue to the Legislature a report prepared by the State Department of Alcohol and Drug Programs identifying, collecting, analyzing, and summarizing the most recent research, data, programs, prevention policies, and other relevant information regarding alcoholic beverage use by underage youth, including, but not limited to, use of flavored malt beverages by underage youth.

(2) The secretary and the State Department of Alcohol and Drug Programs shall consult with the Department of Alcoholic Beverage Control, the State Department of Health Services, and the office of the Attorney General in developing the report.

(b) (1) The report shall:

(A) Describe the onset, prevalence, frequency, and intensity of alcoholic beverage use by underage youth, including any difference in use by gender, age, race, ethnicity, geographic location, and type or brand of alcoholic beverage consumed.

(B) Describe the factors that lead to, and are associated with, alcoholic beverage use by underage youth.

(C) Describe the extent and impact of exposure to various forms of alcoholic beverage advertising on youth, including the impact of advertising placement and content, product placement, Internet advertising, and marketing at colleges and universities.

(D) Identify federal statutes, programs, and efforts related to the reduction of alcoholic beverage use by underage youth.

(E) Identify statutes, programs, and efforts in California related to the reduction of alcoholic beverage use by underage youth, including compliance check programs in retail outlets, enforcement programs to deter adults from purchasing alcoholic beverages for underage youth, and school alcohol prevention programs.

(F) Identify efforts and best practice models in other states to reduce alcoholic beverage use by underage youth.

(G) Identify and describe labeling and advertising practices associated with flavored alcoholic beverages, particularly in comparison to labeling and advertising practices associated with nonalcoholic beverages.

1 (H) Describe the compliance with, and effectiveness of,  
2 alcoholic beverage industry codes for self-regulation and  
3 alcoholic beverage advertising.

4 (I) Describe any harmful health, social, and other  
5 consequences of alcoholic beverage use by underage youth,  
6 including any difference in consequences by gender, age, race,  
7 ethnicity, and geographic location.

8 (J) Recommend actions to prevent alcoholic beverage use by  
9 underage youth, including legislative changes and suggestions  
10 for new or modified programs and policies that would aid in the  
11 reduction of alcoholic beverage use by youth in California.

12 (K) Identify and describe any other relevant information  
13 regarding alcoholic beverage use by underage youth as  
14 determined by the secretary, the State Department of Alcohol and  
15 Drug Programs, and the Department of Alcoholic Beverage  
16 Control.

17 (2) The report shall focus on alcoholic beverage use by  
18 underage youth in California to the extent relevant information is  
19 available and shall include national information where  
20 California-specific information is not available.

21 (c) The total costs for the completion of the report required by  
22 this section shall not exceed one hundred forty thousand dollars  
23 (\$140,000).